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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,753	08/14/2003	David W. Howell	28679/05109	1752

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EXAMINER

BEAULIEU, YONEL

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/604,753

Applicant(s)

HOWELL ET AL.

Examiner

Yonel Beaulieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-10 and 12-21 is/are rejected.
7) ☒ Claim(s) 11 and 22-26 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 10 and 12 – 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eslinger et al. (US 5,613,744) in view of Rangaswamy et al. (US 6,293,363).

Regarding claims 1 - 10, 14, 16, and 17 - 21, Eslinger et al. teaches an interrupt for an automatic traction control system/valve (title/abstract; fig. 1) comprising a service brake control valve (34) for controlling, via control ports, a service brake as a function of a service brake control pressure signal and a traction valve (38) communicating the service brake control pressure signal to the service brake control valve as a function of the park control pressure signal, i.e., when a traction event occurs (col. 3: 34 – 47 at least); an electronic control unit (24) transmitting an electronic control signal to the traction valve communicating the service brake control pressure signal and a wheel speed sensor communicating a speed of a wheel to the electronic control unit (col. 3: 16 – 27 at least); the interrupt further including a solenoid and an electrical switch (interface), when open, for electrical communication with the electronic control unit and the traction valve (col. 3: 27 – 30 at least); the park brake being engaged

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when the pressure signal is less than an engage pressure and released when the pressure is greater than a release pressure level (see fig. 4 at least).

Regarding claim 12, Eslinger further teaches a spring valve (col. 2: 65 – col. 3: 4 at least).

Regarding claim 13, Eslinger et al.'s brake valve is a quick release valve (col. 3: 38 – 40).

Eslinger et al. teaches all of the limitations except for the inclusion of a park brake control valve (claims 1, 14, and 20 at least) and an operator controlled pressure output is a treadle valve (claim 15).

However, Rangaswamy et al. teaches, in the same field of endeavor of traction control system, the inclusion of park brake control valve (item 32) for controlling a park brake of a vehicle as a function of a park brake control pressure signal (col. 3: 51 – 65 at least).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Eslinger's teaching by including a park brake control valve as evidenced by Rangaswamy et al. in order to enhance security (safety) of the system when parking brake security is violated.

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While neither Eslinger and Rangaswamy are somewhat silent on the phrase "treadle valve," block connected to item 34 in Eslinger is construed as such. Furthermore, it is the Examiner's position such is old and well-known in the traction system art (see for example U.S. Patent 5,190,350, item 40).

It would have been obvious to one of ordinary skill in the art at the time of the invention the combination of Eslinger and Rangaswamy is at least fully functionally equivalent to the claimed invention because the combination teaches all of the structural features achieving the same end result of automatic control of a traction system.

Allowable Subject Matter

Claims 11 and 22 – 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The art of record fail to teach a traction system, wherein an interrupt for an automatic control of the system includes, among other limitations, a check valve exhausting pressurized air from a traction control valve – the pressurized air being between a protection valve and the traction control valve – when the protection valve is closed; preventing automatic traction control signal from being transmitted from an electronic control unit to the traction control unit if a park brake control pressure signal is below a predetermined level and when an

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electrical switch is open; and when a traction event is not occurring, setting a solenoid to a non-traction position for communicating an operator controlled pressure signal from the traction control valve to the service brake control valve.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (703) 305-4072. The examiner can normally be reached on M-R, from 0900-1600.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER